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16 ATTORNEYS FOR PLAINTIFF

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

26 EQUAL EMPLOYMENT
27 OPPORTUNITY COMMISSION

28 Plaintiff,

29 v.

30 AMERICAN MEDICAL RESPONSE
31 AMBULANCE SERVICE, INC.

32 Defendant.

33 CIVIL ACTION NO. CV-

34 COMPLAINT

35 JURY TRIAL DEMAND

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This is an action under Title VII of the Civil Rights Act of 1964 and Title I
of the Civil Rights Act of 1991 to correct unlawful employment practices on the

1 basis of sex (female/pregnancy), and to provide appropriate relief to Katherine Hall
2 who was adversely affected by such practices. The Equal Employment
3 Opportunity Commission alleges that American Medical Response Ambulance
4 Service, Inc. ("AMR" or "Defendant") subjected Katherine Hall to disparate
5 treatment in violation of Title VII by refusing to accommodate her pregnancy-
6 related restrictions, while accommodating other non-pregnant employees who were
7 similar in their ability or inability to work.
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10 JURISDICTION AND VENUE

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12 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
13 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
14 Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended,
15 42 U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil
16 Rights Act of 1991, 42 U.S.C. § 1981a.
17

18 2. The employment practices alleged to be unlawful were committed
19 within the jurisdiction of the United States District Court for the Eastern District of
20 Washington.
21

22 PARTIES

23
24 3. Plaintiff, the Equal Employment Opportunity Commission (the
25 "Commission" or "EEOC"), is the agency of the United States of America charged

1 with the administration, interpretation and enforcement of Title VII and is
2 expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII,
3 42 U.S.C. § 2000e-5(f)(1).
4

5 4. At all relevant times, Defendant has been continuously doing business
6 in the State of Washington and has continuously employed at least fifteen (15)
7 employees.
8

9 5. At all relevant times, Defendant has continuously been an employer
10 engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of
11 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).
12

13 ADMINISTRATIVE PROCEDURES

14 6. More than thirty (30) days prior to the institution of this lawsuit,
15 Charging Party Katherine Hall filed Charge No. 551-2018-00685C with the EEOC
16 alleging violations of Title VII by Defendant.
17

18 7. On April 22, 2019, the Commission issued to Defendant a Letter of
19 Determination finding reasonable cause to believe that Title VII was violated and
20 inviting Defendant to join with the Commission in informal methods of
21 conciliation to endeavor to eliminate the discriminatory practices and provide
22 appropriate relief.
23
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25

1 8. The Commission engaged in communications with Defendant to
2 provide Defendant the opportunity to remedy the discriminatory practices
3 described in the Letter of Determination.
4

5 9. The Commission was unable to secure from Defendant a conciliation
6 agreement acceptable to the Commission.
7

8 10. On May 15, 2019, the Commission issued to Defendant a Notice of
9 Failure of Conciliation.
10

11 11. All conditions precedent to the institution of this lawsuit have been
12 fulfilled.
13

14 STATEMENT OF CLAIMS

15 12. Since at least June 30, 2017, Defendant has engaged in unlawful
16 employment practices at its Spokane, Washington facility in violation of Section
17 703(a) of Title VII, 42 U.S.C. § 2000e-(2)(a), by refusing to accommodate the
18 pregnancy-related work restrictions of Hall while accommodating the work
19 restrictions of non-pregnant employees similar in their ability or inability to work.
20 Hall was affected by said unlawful employment practices.
21

22 13. Hall began her employment with Defendant in or about June 2014 as
23 an Emergency Medical Technician (EMT).
24

25 14. In December 2016, Hall became pregnant.

1 15. On June 30, 2017, Hall emailed Defendant requesting a pregnancy-
2 related accommodation. At that time, Hall was working as a Paramedic and Field
3 Training Officer. Hall provided Defendant with a note from her medical provider
4 which advised that Hall was restricted to light duty work, including a 20-pound
5 lifting limit, shifts no longer than 12 hours, and a recommendation that Hall not
6 work in the field but be allowed to work in dispatch. In her email, Hall also made
7 numerous suggestions to Defendant about potential alternative assignments that
8 would allow her to continue working during her pregnancy.
9

10
11 16. That same date on June 30, 2017, Defendant's Regional Director
12 denied Hall's request for a pregnancy-related accommodation. Defendant's
13 Regional Director advised Hall there was no alternative work available at the time
14 and further advised Hall that due to her work restrictions, she would need to take a
15 leave of absence instead.
16

17 17. Hall could not afford being placed on unpaid leave.
18

19 18. Later that same date on June 30, 2017, Hall provided Defendant a
20 revised note from her medical provider which only restricted Hall from working
21 shifts longer than 12 hours.
22

23 19. On July 3, 2017, Defendant again denied Hall's request for
24 accommodation. Instead, Defendant's Operations Manager directed Hall to get
25

1 another doctor's note that cleared Hall to work full duty, stating that her request to
2 limit her shift to 12 hours causes issues if she were to get a late call or extrication.

3 20. At all relevant times, Defendant had and continues to have a policy or
4 practice at its Spokane, Washington facility of regularly accommodating non-
5 pregnant employees who have work restrictions similar to Hall's under
6 circumstances in which the non-pregnant employees' restrictions are caused by
7 work place injuries. At all relevant times, Defendant's employees who were
8 injured on the job were provided with light duty or other job modifications under
9 Defendant's policy or practice, but employees with similar restrictions related to
10 pregnancy were not provided light or modified duty.
11

12 21. The effect of the practices complained of in paragraphs 12-20 above
13 has been to deprive Hall of equal employment opportunities and otherwise
14 adversely affect her status as an employee because of her sex and pregnancy.
15

16 22. The unlawful employment practices complained of in paragraphs 12-
17 20 above were and are intentional.
18

19 23. The unlawful employment practices complained of in paragraphs 12-
20 20 above were done with malice or with reckless indifference to the federally
21 protected rights of Katherine Hall.
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25 PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

1 A. Grant a permanent injunction enjoining Defendant, its officers, agents,
2 successors, assigns, and all persons in active concert or participation with it, from
3 unlawfully failing to provide equal employment opportunities to employees
4 because of their sex (female) and/or pregnancy, and any other employment practice
5 which discriminates on the basis of sex (female) and/or pregnancy.
6

7 B. Order Defendant to institute and carry out policies, practices, and
8 programs which provide equal employment opportunities for employees because of
9 their sex (female) and/or pregnancy, and which eradicate the effects of its past and
10 present unlawful employment practices.
11

12 C. Order Defendant to make whole Katherine Hall by providing
13 compensation for past and future pecuniary losses resulting from the unlawful
14 employment practices described in paragraphs 12-20 above, including past and
15 future out-of-pocket losses, in amounts to be determined at trial.
16
17

18 D. Order Defendant to make whole Katherine Hall by providing
19 compensation for past and future non-pecuniary losses resulting from the unlawful
20 practices complained of in paragraphs 12-20 above, including pain, suffering,
21 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be
22 determined at trial.
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1 E. Order Defendant to pay Katherine Hall punitive damages for its
2 malicious and reckless conduct, as described in paragraphs 12-20 above in
3 amounts to be determined at trial.

4
5 F. Grant such further relief as the Court deems necessary and proper in
6 the public interest.

7 G. Award the Commission its costs of this action.

8
9 DATED this 25th day of July 2019

10 BY: /s/ Roberta L. Steele
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

DATED this 25th day of July, 2019

/s/ Rebecca Eaton
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